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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/923,198	08/06/2001	Vincent Gerusz	P / 3610-20	8903
2352	7590 02/20/2003			
OSTROLE	NK FABER GERB & S	EXAMINER		
1180 AVENUE OF THE AMERICAS			GERSTL, ROBERT	
NEW YORK	NEW YORK, NY 100368403			
•			ART UNIT	PAPER NUMBER
			1626	
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Please find below and/or attached an Office communication concerning this application or proceeding.

Application No.							
## Examiner Robert Girist 1628 ## The MAILING DATE of this communication appears on the cover sheet with the correspondence address → Period for Reply ## AS HORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. ## Examiner Exami		Application No.	Applicant(s)				
Robert Gerstl The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. If the period for reply specified above is less than this (50) days, a may a reply be timely filled sheet 2X (s) (MONTHS fire mine smalled gales of this communication. If the period for reply specified above is less than this (50) days, a may within the datationy minimum of thiny (50) days will be considered timely. If the period for reply specified above, the maximum datationy period will support which will be considered the seminating date of this communication. If the period for reply specified above, the maximum datation and will be pressed to the MONTH fire the maining date of this communication, even if timely filled, may reduce any semination of the communication of the communication of the communication of the communication is considered to the communication of this communication. Status Status Status Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Queyle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Of the above claim(s) is/are withdrawn from consideration. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) 14.8.8.9.13-15.17.27-32.34 and 35 is/are allowed. 6) Claim(s) 15.8.31-17.27-32.34 and 35 is/are allowed. 6) Claim(s)		09/923,198	GERUSZ ET AL.				
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Extension of term way be available under the provisions of 3°C R1.13(a). In no event, however, may a reply be timely filled the time way be available under the approxime of 3°C R1.13(a). In no event, however, may a reply be timely filled in the period for reply specified above is less them thirly (30) days, an epply within the statutory minimum of thirly (30) days will be considered timely. If the period for reply specified above is less them thirly (30) days, an epply within the statutory minimum of thirly (30) days will be considered timely. If the period for reply specified above is less them thirly (30) days, an epply within the statutory minimum of thirly (30) days will be considered timely. If the period for reply is appetited above is less them thirly (30) days, an explosition to become ASANTOMED (50) U.S.C.§ 133). Responsive to communication (s) filled on 04 December 2002. 2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1-5,17-3,2,34 and 35 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) 1,4,5,8,9,13-15,17,27-3,3,4 and 35 is/are allowed. 6) Claim(s) 1,4,5,8,9,13-15,17,27-3,3,4 and 35 is/are allowed. 7) Claim(s) is/are objected to by the Examiner. Application Papers 9) The specification is objected to by the Examiner. Application Papers 9) The proposed drawing correction filled on	Office Action Summary	Examiner	Art Unit				
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2a) ☐ This action is FINAL. 2b ☐ This action is non-final. 3 ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) ☐ Claim(s) 1.15.17.32.34 and 35 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) ☐ Claim(s) 1.45.89.13-15.17.27-32.34 and 35 is/are allowed. 6) ☐ Claim(s) 2.36.7,10-12 and 18-26 is/are rejected. 7) ☐ Claim(s) is/are objected to. 8) ☐ Claim(s) are subject to restriction and/or election requirement. Application Papers 9) ☐ The specification is objected to by the Examiner. 10) ☐ The drawing(s) filed on is/are: a) ☐ accepted or b) ☐ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). 11) ☐ The proposed drawing correction filed on is: a) ☐ approved b) ☐ disapproved by the Examiner. If approved, corrected drawings are required in reply to this Office action. 12) ☐ The oath or declaration is objected to by the Examiner. Priority under 35 U.S.C. §§ 119 and 120 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) ☐ All b) ☐ Some * c) ☐ None of: 1. ☐ Certified copies of the priority documents have been received in Application No 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121. **Attachment(s) ☐ Notice of References Cited (PTO-892) 20 ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)		December 2002 .					
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The following is a quotation of the second paragraph of 35 U.S.C. 112:
 The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

- 2. Claims 2, 3, 6, 7, 10-12, 18, 19, 21-26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. There is no antecedent basis for the limitations of R1,2,4 and 7 in amended claim 1.
- 3. Claim 20 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claim does not further limit claim 1.
- 4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert Gerstl whose telephone number is 703 308-4531. The examiner can normally be reached on Mon.-Fri. (7-3:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joe McKane can be reached on 703 308-4537. The fax phone numbers for the organization where this application or proceeding is assigned are 703 308-4426 for regular communications and 703 308-4426 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308-1235.

Robert Gerstl Primary Examiner Art Unit 1626

RG February 19, 2003